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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,217	08/07/2003	Michael R. Fender	10030340-1	3330

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/638,217	Applicant(s) FENDER, MICHAEL R.	
	Examiner Carol S. Tsai	Art Unit 2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 4-8, 10, 11, 13, 14, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,703,550 to Chu.

With respect to claims 1, 6, 8, 10, 14, and 19, Chu discloses a method for operating a measurement and testing instrument configured to measure a characteristic of a device-under-test, the method comprising the steps of: receiving a first user input provided via a first component of a pointing device (see Figs. 3 and 4 and col. 3, lines 37-55); moving a cursor displayed on a display device responsive to the first user input (see col. 2, lines 37-41 and col. 14, lines 30-43); receiving a second user input provided by rotating a second component of the

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pointing device (see Figs. 3 and 4; col. 8, lines 17-33; and col. 14, lines 43-47); and modifying an item displayed on the display device responsive to the second user input and responsive to where the cursor is located when the second user input is received (see Fig. 11; col. 12, lines 23-30; col. 14, lines 33-43; and col. 16, lines 8-25).

As to claims 2 and 17, Chu also discloses the item is displayed near the cursor when the second user input is received (see col. 14, lines 33-43).

As to claims 4, 13, 16, and 21, Chu also discloses one of a mouse, a touch-pad, a track-ball and a joystick (see col. 3, lines 45-48).

As to claims 5, 7, 11, and 18, Chu also discloses specifying one of a display setting and a measurement setting (see col. 8, lines 34-43).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 12, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in view of U. S. Patent No. 5,129,722 to Mader et al.

As noted above, with respect to claims 3, 12, 15, and 20, Chu disclose the claimed invention, except for testing instrument being one of an oscilloscope, a spectrum analyzer, a logic analyzer, a vector analyzer, a network analyzer, and a time interval analyzer.

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Mader et al. teach testing instrument being one of an oscilloscope, a spectrum analyzer, a logic analyzer, a vector analyzer, a network analyzer, and a time interval analyzer (see col. 1, lines 13-24).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chu's method to include testing instrument being one of an oscilloscope, a spectrum analyzer, a logic analyzer, a vector analyzer, a network analyzer, and a time interval analyzer, as taught by Mader et al., in order to measure or control a unit under test or process.

5. Claims 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chu in view of U. S. Publication 2002/0118168 to Hinckley et al.

As noted above, with respect to claims 9 and 22, Chu discloses the claimed invention, except for an icon is displayed next to the cursor to indicate that the item is responsive to rotating the second component of the pointing device.

Hinckley et al. teach an icon is displayed next to the cursor to indicate that the item is responsive to rotating the second component of the pointing device (see paragraph 0040, lines 14-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chu's method to include an icon is displayed next to the cursor to indicate that the item is responsive to rotating the second component of the pointing device, as taught by Hinckley et al., in order an indication can be displayed for inform the user that the mouse is being used in a scrolling mode.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fender et al. disclose systems and methods for performing multi-measurements.

Alexander discloses a system and methodology for use in a signal measurement system having a graphical user interface.

Alexander discloses an apparatus and method for providing an end-user operator with the ability to assign temporary control of a set of one or more operator-specified instrument control operations to one, single-action switch on a signal measurement system front panel.

Rosenberg et al. disclose a force feedback wheel being provided on a mouse or other interface device manipulated by a user.

Ilic discloses an electronic instrument which has a virtual magnifying symbol capable of magnifying a portion of the instrument's signal waveform in a single window of the instrument display.

Treibach-Heck et al. disclose a graphical input device, preferably in a browser-based display, resembling a pull-down menu, with a displayed data entry field.

Pieper et al. disclose a system manipulates stimulus/response signal data associated with an integrated circuit design, such as from a computer-aided engineering simulator, and converts the data into a format acceptable by a tester device which tests a prototype or production integrated circuit.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Primary Examiner
Art Unit 2857

03/06/05